



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/802,169	03/17/2004	Harumi Itoh	JP920030031US1	3836
25259	7590	11/06/2007		
IBM CORPORATION 3039 CORNWALLIS RD. DEPT. T81 / B503, PO BOX 12195 RESEARCH TRIANGLE PARK, NC 27709			EXAMINER HAN, QI	
			ART UNIT 2626	PAPER NUMBER
			NOTIFICATION DATE 11/06/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

RSWIPLAW@us.ibm.com

Office Action Summary	Application No.		Applicant(s)	
	10/802,169		ITOH ET AL.	
	Examiner		Art Unit	
	Qi Han		2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-11 and 14 is/are allowed.
- 6) ☒ Claim(s) 12 and 13 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>3 ids doc.</u> | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

2. The references listed in the Information Disclosure Statement submitted on 03/17/2004, 12/12/2006 and 12/15/2006 have been considered by the examiner (see attached form(s) including PTO-1449).

Specification and Drawing

3. The abstract of the disclosure is objected to because the length of the abstract is over 150 words and the abstract appears not to be a signal paragraph. Correction is required. See MPEP § 608.01(b).

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Art Unit: 2626

4. The disclosure is objected to because of the following:

a. On page 12, paragraph 1, the statement “for instance, the document category selection unit 250 divides the number of times one of the plurality of categorized dictionaries 115 has been used by the numbers of times **some** of the plurality of categorized dictionaries 115 have been used, and obtains the result of this **division as the frequency** of occurrence of words, phrases and the like in the corresponding category contained in the document” is unclear or confused. It appears to say the division (ratio) as being a frequency, which does not make sense to the examiner. Appropriate correction/clarification is required.

b. On page 12, paragraph 1, the statement “if words, phrases and the like in one of the categories occur frequently in the document in comparison with words, phrases and the like in the other categories, the document category selection unit 250 selects this category as the category of the document” is unclear or confused. Does this mean that all words/phrases are uniquely stored in one of the categorized dictionaries such that a word can be categorized in one of categories based on the result of comparing the categorized dictionaries? Appropriate correction/clarification is required.

c. On page 14, paragraph 2, the statement “The category-by-category-basis appearance frequency computation unit 420 computes the frequency of appearance of a **phrase** with respect to each of the plurality of categories **on the basis of the frequency of appearance of the phrase in one or the plurality of documents** to be translated **and the categories of the documents**” and “The registration destination category selection unit 430 makes a selection as to in which one of the plurality of categorized dictionaries 115 each phrase should be registered, on

Art Unit: 2626

the basis of the frequencies of appearance of the phrase in the plurality of categories” are unclear or confused. It appears that the two statements conflict with each other. Appropriate correction/clarification is required.

d. On page 15, paragraph 3, the term “from one or of ...” appears to have a typographic error. Appropriate correction is required.

e. On page 15, paragraph 2 and page 16 paragraph 2 the statements “If the phrase does not appear particularly frequently in any one of the categories (S520), **registering** the pair of the phrase and the translation of the phrase **in the categorized dictionary 115a provided as the base dictionary** is selected to store the phrase in the category-by-category registration phrase recording file 145a by relating the phrase to the basic category (s535)” and “a phrase which appears with such a low frequency that the phrase cannot be classified with sufficiently high accuracy with respect to the categories **is not registered in the translation dictionary 117**” conflict with each other. Appropriate correction/clarification is required.

f. On page 17, Expression 2, the variable e_j lacks clear definition/description. Appropriate correction is required.

g. On page 18, Expression 3, the variables $A_{(i,j)}$ and $\max_{i,j} (A_{(i,j)})$ lack clear definition/description. Appropriate correction is required.

h. page 30, paragraph 3 to page 35, paragraph 2, the content is the same as or similar to the claims, which appears to have no reason to contain the duplicated content. Appropriate correction/deletion is required.

Art Unit: 2626

5. The specification is further objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required:

Regarding claims 12-13, they claim “a program product...”, which lacks specific description in the specification, so that, it is unclear what the “program product” really is.

6. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

7. Claims 12-13 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Regarding claim 12, as best understood in view of the disclosure objection regarding the claim (see above), the claim of “a program product...”, as whole, is nothing more than claiming program (computer instruction or code) itself, which is directed to description material per se and is nonstatutory under 35 USC 101. It is noted that computer programs (codes) as computer listings per se, i.e., the descriptions or expressions of the program, are not physical “thing.” Further, since a computer program is merely a set of instructions capable of being executed by a

Art Unit: 2626

computer, the computer program (code) itself is not a process either. Therefore, the claim, as whole, substantially claims descriptive material per se, which is directed to non-statutory subject matter.

Regarding claim 13, the rejection is based on the same reason as described for claim 12, because the claim includes the same or similar problematic limitation as claim 12.

Allowable Subject Matter

8. Claims 1-11 and 14 are allowed.

The following is an examiner's statement of reasons for allowance:

Regarding independent **claims 1, 10-11 and 14**, the instant application is directed to a translation system and method for translating a document, and a dictionary updating server for updating dictionaries used in document translation. Each of the independent claims, combining with certain well-know features in the art, identifies the uniquely distinct features of:

extracting a noun phrase from said document;

selecting a category on which said extracted noun phrase should be registered among a plurality of categories corresponding to said plurality of categorized dictionaries, respectively;

translating said noun phrase to generate a noun phrase translation which is a translation of said noun phrase; and

registering a pair of said noun phrase and said noun phrase translation on said categorized dictionary corresponding to the category selected by said registration category selection unit.

Art Unit: 2626

9. The prior art of record, Matsunaga et al. (US 2003/0088568 A1), Fukao et al. (US 5,323,311), Wakita et al. (US 6,862,566), and Moser et al. (US 6,275,789), provided numerous teachings and techniques of machine translation, including translating messages (documents) in network (server) for multiple devices, registering and classifying messages in database classified by each category, selecting a dictionary corresponding to the category of messages to be translated, performing translation using one or more dictionaries including specialized dictionaries classified by the category; automatically generating a classified-by-field dictionary for language translation; converting/translating expression or sentences using key words and classified vocabulary table; and providing full bidirectional machine translation using linked alternative different language. However, the combined features stated above, are not anticipated by, nor made obvious over the prior art of the record.

Conclusion

10. Please address mail to be delivered by the United States Postal Service (USPS) as follows:

Mail Stop _____
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

or faxed to: 571-273-8300, (for formal communications intended for entry)

Or: 571-273-8300, (for informal or draft communications, and please label "PROPOSED" or "DRAFT")

If no Mail Stop is indicated below, the line beginning Mail Stop should be omitted from the address.

Effective January 14, 2005, except correspondence for Maintenance Fee payments, Deposit Account Replenishments (see 1.25(c)(4)), and Licensing and Review (see 37 CFR 5.1(c) and 5.2(c)), please address correspondence to be delivered by other delivery services (Federal Express (Fed Ex), UPS, DHL, Laser, Action, Purolater, etc.) as follows:

Art Unit: 2626

U.S. Patent and Trademark Office
Customer Window, Mail Stop _____
Randolph Building
Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Qi Han whose telephone numbers is (571) 272-7604. The examiner can normally be reached on Monday through Thursday from 9:00 a.m. to 7:30 p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil, can be reached on (571) 272-7602.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Inquiries regarding the status of submissions relating to an application or questions on the Private PAIR system should be directed to the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028 between the hours of 6 a.m. and midnight Monday through Friday EST, or by e-mail at: ebc@uspto.gov. For general information about the PAIR system, see <http://pair-direct.uspto.gov>.

QH/qh
October 23, 2007

 10/23/07